

# ACTION MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, October 17, 2007 - 3:30 p.m.

#### **PUBLIC HEARINGS - 5:30 P.M.**

### CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Mary Erickson - 651-266-8565 Joan Reidell – 651-266-8613 Office of the City Council

Present – 7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent – 0

#### **CONSENT AGENDA (Items 1 – 28)**

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

#### COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Claims of Paul A. Grosslaus, Joseph O. Ibhaze, Qwest, Jared J. Sandstrom, Elizabeth M. Ulicni, and Kelley M. Wakem.

#### Referred to Risk Management

- 2. Summons and Complaint in the matter of the Estate of Joseph R. Carter, by Mary Pettiford, its Personal Representative, vs. the City of Saint Paul, et al. **Referred to the City Attorney's Office**
- 3. Letter from the Department of Public Works/Technical Services announcing a public hearing before the City Council on November 7, 2007 to consider the petition of James and Angela Goddard to vacate part of an alley in the Montcalm/Edgcumbe block for the purpose of landscaping and lot beautification.

4. Letters from the Department of Safety and Inspections/Code Enforcement declaring 443 Forest Street, 1237 Jackson Street, 448 Page Street East, 460 Page Street East, 118 Rose Avenue East, 947 Sylvan Street, and 81 Western Avenue South as nuisance properties, and setting date of Legislative Hearings for October 23, 2007, and City Council public hearings for November 21, 2007.

#### FOR ACTION

5. Approval of minutes of August 1, 8, and 15, 2007.

Adopted Yeas – 7 Nays - 0

6. Resolution – 07-969 – Changing the rate of pay for the classification of Payroll System Coordinator (formerly Payroll System Supervisor) from Grade 033 to Grade 036 of Bargaining Unit 01, AFSCME District Council #5, Clerical Local Union #2508. (GS 3044810)

Adopted Yeas - 7 Nays - 0

7. Resolution – 07-970 – Establishing the rate of pay for the new classification of Payroll System Technician I in Grade 034 of Bargaining Unit 02, AFSCME District Council #5, Technical Local Union #1842. (GS 3044811)

Adopted Yeas -7 Nays -0

8. Resolution – 07-971 – Authorizing the Division of Parks and Recreation, and the proper City officials, to accept the required funds and install a sign commemorating James T. Sackett Park. (GS 3045050)

Adopted Yeas - 7 Nays - 0

9. Resolution – 07-972 – Approving payment in the amount of \$10,000.00 to Sadik Omar Tahior, f/k/a Abdul K. Tahiro, and Valentini & Associates, P.A., in full settlement of their claim against the City of Saint Paul. (GS 3044531)

Adopted Yeas - 7 Nays - 0

10. Resolution – 07-973 – Setting a public hearing date of November 7, 2007 for 2008 water rates. (GS 3044572)

Adopted Yeas - 7 Nays - 0

11. Resolution – 07-974 – Authorizing the Division of Parks and Recreation to accept a grant from the McKnight Foundation to develop and evaluate a Saint Paul Parks Conservancy Fund. (GS 3044911)

Adopted Yeas - 7 Nays - 0

12. Resolution – 07-975 – Memorializing City Council action taken June 20, 2007 denying in part and granting in part the appeal of David Heide Design Studio to a decision of the Heritage Preservation Commission denying alteration of the front entry canopy and alteration of a front brick retaining wall at 1760 Summit Avenue, Summit Avenue West Historic District. (File No. 07-179) (GS 3044699)

Adopted Yeas - 7 Nays - 0

13. Resolution - 07-976 – Memorializing City Council action taken October 3, 2007 denying the appeal for property at 891 Geranium Avenue, per the recommendation of the Legislative Hearing Officer. (GS 3044791)

Adopted Yeas – 7 Nays - 0

14. Resolution – 07-977 – Memorializing City Council action taken October 3, 2007 denying the appeal for property at 839 Jenks Avenue, per the recommendation of the Legislative Hearing Officer. (GS 3044792)

Adopted Yeas - 7 Nays - 0

15. Resolution – 07-978 – Memorializing City Council action taken October 3, 2007 denying the appeal for property at 1834 Maryland Avenue East, per the recommendation of the Legislative Hearing Officer. (GS 3044793)

Adopted Yeas - 7 Nays - 0

16. Resolution – 07-979 – Authorizing the Police Department to accept a donation in the amount of \$1500.00 from the Saint Paul Police Foundation which will be used to purchase computer equipment and supplies to improve the Saint Paul Police Historical Society display. (GS 3044317)

Adopted Yeas - 7 Nays - 0

17. Resolution – 07-980 – Authorizing the Police Department to enter into a grant agreement with the United States Department of Justice for the Paul Coverdell Forensic Science Improvement Grants Program. (GS 3044176)

Adopted Yeas -7 Nays -0

18. Resolution – 07-981 – Authorizing the Police Department to enter into an agreement with the United States Department of Justice, Drug Enforcement Administration, to participate in an Organized Drug Enforcement Task Force. (GS 3044177)

Adopted Yeas - 7 Nays - 0

19. Resolution – 07-982 – Establishing a 2007 financing and spending plan in the Police Department for one half of the cost of a ballistic vest, not to exceed \$600.00, for newly hired police officer recruits. (GS 3044410)

Adopted Yeas - 7 Nays - 0

20. Resolution – 07-983 – Establishing a 2007 financing and spending plan in the Police Department to provide funding for cameras and surveillance equipment along the Central Corridor in Saint Paul. (GS 3043738)

Adopted Yeas - 7 Nays - 0

21. Resolution – 07-984 – Approving adverse action against the Cigarette/Tobacco license held by Dollar Store At Arcade, Inc., d/b/a XMART, 1110 Payne Avenue. (GS 3044576)

Adopted Yeas - 7 Nays - 0

22. Resolution – 07-985 – Memorializing City Council action taken October 3, 2007, imposing adverse action against all licenses held by Vone X. Moua and Mee Lou Moua, dba Malina's Sports Bar and Grill, 691 North Dale Street. (GS 3044733)

Adopted Yeas – 7 Nays – 0

23. Resolution – 07-986 - Approving adverse action against the Malt Off Sale license application by Flor De Isote, 935 Maryland Avenue East. (GS 3044831)

Adopted as amended Yeas – 7 Nays - 0

24. Resolution – 07-987 – Approving adverse action against the Second Hand Dealer-Motor Vehicle Parks license held by A-1 Cycle Parts & Service, 946 University Avenue. (GS 3044833)

Adopted Yeas - 7 Nays - 0

25. Resolution – 07-988 – Approving adverse action against the Sidewalk Contractor license by Diversified Contracting Specialist, Inc., d/b/a Gen-Con Construction, for the City of Saint Paul. (GS 3044832)

Adopted Yeas -7 Nays -0

26. Resolution – 07-989 – Authorizing the City Design Group to provide services to Ramsey County for laying out and ordering furniture for the Emergency Communications Center. (GS 3044577)

Adopted Yeas - 7 Nays - 0

27. Resolution – 07-990 – Authorizing the City Design Group to provide graphic design services for historic grave markers at Ramsey County Cemetery. (GS 3044578)

Adopted Yeas - 7 Nays - 0

28. Resolution – 07-991 – Setting Recycling Service Fee in 2008 at \$27.04 per unit in residential buildings with one to three units and condominiums, \$16.24 per unit in residential buildings with four or more units, and requesting \$587,567.00 SCORE grant funds for support of curbside and multi-family/city building recycling programs under contract with Eureka Recycling. (GS 3044190)

Adopted Yeas -7 Nays -0

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#### FOR DISCUSSION

29. Resolution – 07-959 – Amending the 2007 budget to provide for the scope changes needed in the renovation of the 15<sup>th</sup> floor City Hall Annex and for the repayment of the loan in 2007. (Laid over from October 10) (GS 3040831)

Laid over to October 24 Yeas – 6 Nays – 1 (Helgen)

- 30. Resolution 07-960 Amending the financing and spending plans of the Selby, Victoria, Minnehaha, and Jessamine at Como Place projects by transferring MSA funding from Selby Streetscape Phase I and PIA from the 2000 Local Street Improvement Program. (Laid over from October 10) (GS 3042031)
  - Laid over to October 24 Yeas 6 Nays 1 (Helgen)
- 31. Resolution 07-961 Amending the spending and financing plans of the 2006 Residential Street Vitality Program by adding assessments and SPRWS funding and transferring Sewer, PIA, and Street Improvement Bonds from other capital projects. (Laid over from October 10) (GS 3043432)

Laid over to October 24 Yeas – 6 Nays – 1 (Helgen)

- 32. Resolution 07-962 Amending the spending and financing plans of the St. Peter/Rondo Storm Tunnel Phase II project by transferring 2007 funding from the Sewer Utility Fund, and surplus funding from the St. Peter/Rondo Storm Tunnel Phase I project. (Laid over from October 10) (GS 3043100)

  Laid over to October 24 Yeas 6 Nays 1 (Helgen)
- 33. Resolution 07-964 Amending the spending and financing plans of the 2007 Residential Street Vitality Program by adding SPRWS, STAR Grant funds and alley assessments and transferring Major Sewer Repair, Stormwater Quality Improvements, MSA, and CIB funds from other capital projects. (Laid over from October 10) (GS 3043390)

Laid over to October 24 Yeas – 6 Nays – 1 (Helgen)

#### **ORDINANCES**

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.

34. Second Reading – 07-966 – An ordinance amending Chapter 310 of the Saint Paul Legislative Code to increase license fees (except restaurants and on-sale liquor) to reflect the current level of service. (GS 3044691)

Laid over to November 7 for third reading/public hearing

35. Second Reading – 07-967 – An ordinance amending Chapter 310 of the Saint Paul Legislative Code to increase license fees for restaurants and on-sale liquor to reflect the current level of service. (GS 3044700)

Laid over to November 7 for third reading/public hearing

36. First Reading – 07-992 – An ordinance amending Chapter 345 of the Saint Paul Legislative Code to ensure safety outside entertainment venues and to clarify other requirements. (GS 3044330)

Laid over to October 24 for second reading

#### PUBLIC HEARINGS (public hearings will begin at 5:30 p.m.)

- 37. Third Reading 07-925 An ordinance amending Section 140.06 of the Saint Paul Legislative Code regulating conduct in the skyway system by deleting obsolete language and adding new language reflecting changes in the administrative process for regulating skyway conduct. (GS 3041970) Laid over to October 24 for final adoption
- 38. Third Reading 07-926 An ordinance amending Chapter 366A of the Saint Paul Legislative Code, Parades, Races, and Public Assemblies by moving skyway permits to Chapter 140. (GS 3043363)

Substitute introduced and laid over to October 24 for final adoption Yeas - 7 Nays - 0

39. Resolution – 07-930 – Authorizing CBS Outdoor to install new advertising bus shelters at various locations throughout the City. (Public hearing continued from October 3) (GS 3044131)

Public hearing continued to November 7 Yeas - 7 Nays - 0

40. Resolution – 07-993 – Approving the petition of Shaw Lumber to vacate unimproved Marion Street north of Como Avenue within the Shaw Lumber site in order to clean up property title work prior to registration. (GS 3044021)

Adopted Yeas - 7 Nays - 0

(Benanav excused from the meeting at this time)

41. Resolution – 07-994 – Adopting the Central Corridor Development Strategy as a Chapter of the City's Comprehensive Plan. (GS 3044931)

Public hearing closed and laid over to October 24 Yeas – 6 Nays – 0

42. Resolution Ratifying Assessment - 07-995 – In the matter of the assessment of benefits, cost, and expenses for repair of sanitary sewer connections from January to June, 2007. [File No. SWRP0702B] (GS 3044172)

Public hearing closed and laid over to October 24

Yeas - 6 Nays - 0

43. Public hearing to consider the appeal of Judith Beck and 31 neighbors to a decision of the Board of Zoning Appeals approving the variances for lot coverage and setbacks to redevelop the St. Paul Church Home site for senior housing with underground parking and townhomes at 484 Ashland Ave. (This is a revised hearing notice which reflects proposed changes to the variances requested as a result of discussions between the appellants and the developer.) [ZF 07-137535] (Public hearing continued from October 3)

Motion of Intent-appeal denied with addition of modified variances Yeas - 5 Nays - 0 (Bostrom not present)

(Thune left the meeting at this time)

44. Public hearing to consider the application of James McCann for a Combined Plat for Update Addition to create five (5) industrial parcels and variance of parkland dedication requirement at 2340 Capp Road and 2325 Endicott Street, southwest corner at Hersey Street. (ZF 07-087-802)

Public hearing closed and laid over to October 24

Yeas - 4 Nays - 0 (Bostrom not present)

- 45. Resolution 07-996 Ordering the owner to remove the building at 963 Burr Street within fifteen (15) days from adoption of resolution. (GS 3043504) (Legislative Hearing Officer recommends approval)

  Adopted as amended (remove within five (5) days)

  Yeas 4 Nays 0 (Bostrom not present)
- 46. Resolution 07-997 Ordering the owner to remove the building at 182 Front Avenue within fifteen (15) days from adoption of resolution. (GS 3043506)
   (Legislative Hearing Officer recommends approval)
   Adopted Yeas 5 Nays 0
- 47. Resolution 07-998 Ordering the owner to remove or repair the building at 11 Jessamine Avenue East within fifteen (15) days from adoption of resolution. (GS 3043505) (Legislative Hearing Officer's recommends approval)

  Adopted as amended (removed with five(5) days)

  Yeas 4 Nays 0 (Harris not present)

- 48. Resolution 07-999 Ordering the owner to remove or repair the building at 326 Thomas Avenue within fifteen (15) days from adoption of resolution. (GS 3043507) (Legislative Hearing Officer's recommends approval)

  Adopted as amended (remove within fifteen (15) days)

  Yeas 5 Nays 0
- 49. Resolution Ratifying Assessment 07-1000 In the matter of the assessment of benefits, cost and expenses for summary abatement (property clean-up) at 770 7<sup>th</sup> Street East on July 6, 2007. (Laid over from September 19) (GS 3044352) (Legislative Hearing Officer recommends approval)
   Adopted Yeas 5 Nays 0
- 50. Resolution Ratifying Assessment 07-1001 In the matter of the assessment of benefits, costs and expenses for summary abatements (graffiti removal) on private properties from July 18 to August 6, 2007; summary abatements (property cleanups) on private properties from July 30 to August 14, 2007; providing weekly garbage hauling services from August 1 to August 13, 2007; towing abandoned vehicles from private properties during April, May and June, 2007; summary abatement for the excessive consumption of inspection services for property code violations billed from April 9 to May 16, 2007; demolition of vacant buildings at 430/432 Banfil Street and 826 Steller Street during August 2007; and removing diseased elm trees from private property during the winter season 2006/2007 (Part C). (GS 3043410) (Legislative Hearing Officer recommends the following:
  - 89 Atwater Street (J0713A) approve the assessment; laid over to the October 23 Legislative Hearing and the November 7 City Council Public Hearing
  - 59 Battle Creek Place (J0713A) approve the assessment;
  - 738 Blair Avenue (J0703P) delete the assessment;
  - <u>904 Case Avenue</u> (J0713A) recommendation is forthcoming; <u>delete the assessment;</u>
  - <u>518 Charles Avenue</u> (J0704E) recommendation is forthcoming; <u>approve the assessment</u>;
  - 704-720 Cleveland Avenue South (J0703P) delete the assessment;
  - 472 Concord Street (J0713A) approve the assessment and spread the payments over three (3) years;
  - 472 Concord Street (J013G) delete the assessment;
  - 1160 Conway Street (J0704V) approve the assessment; no show
  - 1573 Dale Street North (J0704E) approve the assessment and spread the payments over two (2) years;

- 261 Fifth Street East (J0703P) delete the assessment;
- 2191 Ford Parkway (J0703P) delete the assessment;
- 1492 Goodrich Avenue (J0703P) delete the assessment;
- 1500 Goodrich Avenue (J0703P) delete the assessment;
- 1015 Grand Avenue (J0703P) delete the assessment;
- 696-698 Hawthorne Avenue East (J0713G) delete the assessment;
- 881 Howard Avenue (J0703P) delete the assessment;
- <u>1671 Hoyt Avenue</u> (J0713A) reduce the assessment from a total of \$358 to a total of \$179;
- 1671 Hoyt Avenue (J0713G) delete the assessment;
- 556 Jenks Avenue (J0703P) delete the assessment;
- 940 Jordan Avenue (J0713G) delete the assessment;
- 859 Marion Street (J0704E) approve the assessment;
- 1080 Marion Street (J0704V) approve the assessment;
- 327 Maple Street (J0713A) delete the assessment;
- 1254 Matilda Street (J0703P) delete the assessment;
- 1264 Matilda Street (J0703P) delete the assessment;
- 1268 Matilda Street (J0703P) delete the assessment;
- <u>429 Mt. Ida Street</u> (J0704T) laid over to the November 6 Legislative Hearing and the November 7 City Council Public Hearing;
- 1193 Payne Avenue (J0713A) approve the assessment;
- 842 St. Paul Avenue (J0713A) delete the assessment;
- 678 Seventh Street West (J0703P) delete the assessment;
- 776 Seventh Street East (J0713A) delete the assessment;
- 80 Snelling Avenue South (J0703P) delete the assessment;
- 1129 Thomas Avenue (J0713A) approve the assessment;
- 1934 University Avenue West (J0703P) delete the assessment;
- 2345 University Avenue West (J0703P) delete the assessment;
- 643 Winslow Avenue (J0713A) approve the assessment; and
- 643 Winslow Avenue (J0704E) approve the assessment.)

## Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 5 Nays - 0

- 51. Appeal of Song Lee to a Summary Abatement Order for property at 408 Belvidere
  Street East. (Legislative Hearing Officer recommends denying the appeal)
  Appeal Denied Yeas 5 Nays 0
- 52. Appeal of Dean Sheldon to a Vehicle Abatement Order for property at <u>1187</u> Raymond Avenue.

#### Withdrawn

#### **Suspension Items:**

Resolution – 07-1002 – Authorizing the Police Department to enter into a Grant Contract with the State of Minnesota to provide cameras and surveillance equipment along the Central Corridor. (GS 3045114)

Adopted Yeas - 7 Nays - 0

First Reading – 07-1003 – An ordinance amending Chapter 33 of the Saint Paul Legislative Code to raise permit fess 10%. (GS3045313)

Laid over to October 24 for second reading

First Reading – 07-1004 – An ordinance amending Chapter 370 of the Saint Paul Legislative Code to increase fees 10% for Certificate of Competency examinations. (GS 3045310)

Laid over to October 24 for second reading

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#### **Council Meeting Information**

#### Web

Meetings are available on the Council's Web site. Email notification and web feeds (RSS) of newly released Minutes, Agendas and Meetings are available by subscription. Please visit <a href="http://www.stpaul.gov/council/">http://www.stpaul.gov/council/</a> for meeting videos and updated copies of the agendas, minutes and supporting documents.

#### Cable

Meetings are live on St Paul Channel 18 and replayed on: Thursdays at 5:30 p.m., Saturdays at 12:30 p.m., and Sundays at 1:00 p.m. (Subject to change)

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